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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,662	06/30/2000	David A. Johnske	991331	1692

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GREENBERG TRAURIG, P.C.  
77 WEST WACKER DRIVE  
CHICAGO, IL 60601-1732

EXAMINER

ZAMANI, ALI A

ART UNIT PAPER NUMBER

2674

DATE MAILED: 06/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/609,662

**Applicant(s)**

JOHNSKE ET AL.

**Examiner**

Ali A. Zamani

**Art Unit**

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 22 is/are rejected.
- 7) ☒ Claim(s) 12, 13 and 16-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brozake, Jr. (US Pat. No. 6,068,139) in view of Ragsdale (US Pat. No. 5,826,732).

In regard to claims 14-15 and 22, Brozake, Jr. disclose a point of purchase display apparatus for the facilitated display of products (see Fig. 1), comprising: plurality of cartridges (30), supporting display shell being operable configured for enabling positioning of the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell (Figs 6, 7 and 8), to place the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell (see Fig. 13). Brozake, Jr. teaches that certain modification and variations of the general principles of the invention which may be apparent to those skill in the art such as the cassettes, the cassettes display cabinet, the fixed and adjustable roll displays, the roll display cabinet the fin assembly and the carousel, can be combined in any manner to provides a highly adaptable product display system and furthermore, the proportions, dimensions and relative sizes of the combined display elements may be selectively varied in accordance to the invention (col. 6, lines 28-44). Brozake, jr. does not specifically disclose a brace member as a support for a cartridge. However, Brozake, Jr. teaches the use of metal backing (32) as a support

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of structure of cassette cabinet (see Fig. 3). Brozak, Jr. substantially show the above claimed limitations except for showing at least a "self-supporting display shell having a display opening in a face". However, Ragsdale shows a point-of-purchase display apparatus having an exterior surface (90) and an interior surface (80) opposed exterior surface (90) and collapsible shelves such as shelf (30) (see Fig. 2). Furthermore, shelf (30) is attached to front panels, such as front panel (120), include lips, such as lip (144) which may be releasably engage a panel holding the goods being displayed thereon to prevent forward inadvertent slippage and it is also contemplated that the goods be shipped to the point-of-purchase display apparatus (10) in such an embodiment, the goods will be shipped on a panel which may be releasably placed onto shelf (30) so as to display the goods (see col. 5, lines 34-50). Ragsdale substantially shows the concept using one-self-supporting display shell having a display opening in a face is old. Thus, it would have been obvious to one of ordinary skill in the art to combine the point of purchase of Brozake, Jr. with display of Ragsdale to provide an inexpensive point-of purchase display system for displaying goods positionable thereon.

Claims 12, 13 and 16-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach a point of purchase display apparatus for facilitated display of products, comprising means for controlling removal of products from the display with at least one tab member which operably emerging from a side edge of the display.

***Allowable Subject Matter***

Claims 1-11 are allowable over prior art of record.

The following is an examiner's statement of reasons for allowance: the prior art does not teach:

“ A point of purchase display apparatus for the facilitated display of products, comprising: at least one cartridge, having an open face, for containing a plurality of products; at least one self-supporting display shell having a display opening in a face thereof, the at least one self-supporting display shell being operably configured for enabling positioning of the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting shell; and at least one brace member, operably configured for supporting the at least one cartridge within the at least one self-supporting display shell, to place the open face of the at least one cartridge in alignment with at least a portion of the display opening of the at least one self-supporting display shell; and means for controlling removal of products from the display, operably configured to substantially preclude the simultaneous removal of more than one product from a single cartridge from the display apparatus.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Zamani whose telephone number is (703) 308-6414. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe, can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

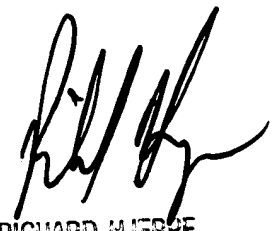
**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ali Zamani

May 15, 2003



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600